

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF VETERANS AFFAIRS

Daniel M. Harris,

Petitioner,

v.

Hennepin County,

Respondent.

**ORDER FOR SCHEDULING
AND PROTECTIVE ORDER**

On April 9, 2001, the Petitioner filed a response to Respondent's Motion for Summary Disposition. The Petitioner's response was accompanied by a psychologist's report. The Administrative Law Judge ("ALJ") inquired as to whether the Petitioner wanted the report included in the record on the Motion, and indicated that a Protective Order would be issued if that report were to be included. On May 3, 2001, the Petitioner left a voicemail message with the ALJ indicating that the psychologist's report was to be included in the record.

Gregory L. Failor, Labor Relations Representative, A-400 Government Center, Minneapolis, MN 55487, represents the Respondent. Daniel M. Harris, 7610 Penn Avenue S. #138, Minneapolis, MN 55423, represents himself in this matter.

Based upon the information submitted and upon all of the filings in this case and for the reasons set out in the Memorandum which follows:

IT IS HEREBY ORDERED:

1. The psychologist's report submitted by Petitioner is included in the record on Respondent's motion for summary disposition.
2. The psychologist's report released to counsel for Respondent are confidential and shall not be disclosed to anyone other than the persons stated in this Order.
3. Disclosure of the psychologist's report is limited to counsel for the Respondent, employees and/or consultants assisting counsel on the preparation of the case, and the following representatives of the Respondent, but only if necessary to prepare for the hearing: Gregory L. Failor.
4. The report released pursuant to this Order must only be used in connection with this contested case hearing; it may not be used for any other purpose.

5. Each person having access to this confidential information shall be informed of this Order by Respondent's attorney and is bound by its terms.

6. The psychologist's report shall be kept in a separate file or envelope with a copy of this Order. The file or envelope shall be marked "Confidential - Subject to Protective Order".

7. Respondent's counsel must return the copy of the report released pursuant to this Order to Petitioner at the close of this contested case proceeding.

8. Respondent has until May 17, 2001 to file with the ALJ and mail to the Petitioner any reply to the Petitioner's filing. Upon submission of the Respondent's reply, the record on the motion will close.

Dated this 7th day of May, 2001.

RICHARD C. LUIS
Administrative Law Judge

MEMORANDUM

The Petitioner asserts that his medical (mental) condition is relevant to the notice he received of his rights under the Veterans Preference Act. Having made that claim, the Petitioner's psychologist's report is relevant and can be included in the record on the Respondent's Motion for Summary Disposition. Because such records are sensitive, their confidentiality must be protected. The Respondent is given time to submit a reply, since it has not had the opportunity to view the report until the issuance of this Order.

R.C.L.